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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/998,979

Applicant(s)

SCHLACK ET AL.

Examiner

Sumaiya A. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 22-65 is/are rejected.
- 7) ☒ Claim(s) 18-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-65 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

2. Claims 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 28-29, 32-38, 40-41, and 59-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander (6177931).

As for claims 1 and 61, Alexander teaches a system and method for profiling a plurality of identities of a television viewing audience based on the interactivity of the identities with a television, the method comprising:

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Means (EPG) for monitoring user interactions with the television – col. 28, lines 30-53;

Means (EPG) for filtering the user interactions into at least one interaction category (The EPG records information about the first channel, the changed to channel, and volume changes – col. 28, lines 32-52);

Means (Profile Program) for processing (analyzing) the user interactions in each of the at least one interaction categories in order to create at least one category profile (channel viewing duration, channel selects) for each associated interaction category, wherein each of the at least one category profiles identifies attributes about the user for that category of interaction – col. 29, lines 14-21, lines 31-55; and

Means (Profile Program) for generating an interaction profile by combining all of the category profiles (The Profile Program performs simple statistical analysis of the data collected. The Profile Program accumulates among other things, the number of times the viewer watched a particular channel, and duration of each viewing – col. 29, lines 30-55).

As for claim 2, Alexander teaches the at least one interaction category includes at least some subset of channels and volume levels (The EPG records information about the first channel, the changed to channel, and volume changes – col. 28, lines 32-52).

As for claims 3 and 62, Alexander teaches:

said monitoring includes monitoring time associated with each of the user interactions (the time the change was made; the time of the change; col. 28, lines 33-39); and

said processing includes processing at least some subset of data from at least some subset of the at least one interaction category with respect to time in order to create at least one category profile (The processing is done with respect to time since the channel viewing duration information is collected – col. 29, lines 50-55).

As for claim 4, Alexander teaches the at least one category profile includes channel viewing duration and channel selects (col. 29, lines 31-55).

As for claims 5 and 63, Alexander teaches:

Means (Profile Program) for detecting an initiation of a television viewing session and means (Profile Program) for detecting a termination of the television viewing session (The Profile Program compiles statistics of the times of day during which the viewer watches television and the duration of each viewing. This is inclusive of detecting both an initiation and termination of the television viewing session – col. 29, lines 50-55),

wherein said means for monitoring, said means for filtering, said means for processing and said means for generating are continually performed for the television viewing session in order to generate a session profile (The Profile Program is a real

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time program that processes each discrete item of information about a viewer as the data is captured – col. 29, lines 27-30).

As for claims 6 and 64, Alexander teaches means for generating a signature profile based on the session profile (develops a multi-dimensional profile of the viewer – col. 29, line 30 – col. 30, lines 16. Based on the session profile, the Profile Program analyzes attributes of the viewer.).

As for claim 7, Alexander teaches storing the signature profile (The viewer's interactions are saved over time to generate sufficient data – col. 30, lines 28-31).

As for claim 28, Alexander teaches wherein the at least one category profile is a viewing duration profile identifying various viewing duration attributes for the viewing session (channel viewing duration, times of day, days of week; col. 29, lines 31-55).

As for claim 29, Alexander teaches wherein the various viewing duration attributes include at least some subset of viewing duration by day, viewing duration by day-part, and channel viewing duration - col. 29, lines 31-55.

As for claim 32, Alexander teaches wherein the at least one category profile is a dwell time profile identifying various dwell time factor attributes for the viewing session (duration of each viewing – col. 29, lines 50-55).

As for claim 33, Alexander teaches wherein the at least one category profile is a surf profile identifying various surfing attributes for the viewing session (EPG surfing, channel surfing, col. 29, lines 35-43).

As for claim 34, Alexander teaches wherein the surf profile identifies attributes including channel surfing and EPG surfing (interacted with the EPG, watched a particular channel, col. 29, lines 35-43).

As for claim 35, Alexander teaches wherein the at least one category profile is delineated by day or day-part (times of day, days of week, col. 29, lines 50-55).

As for claim 36, Alexander teaches wherein the at least one category profile is a probable demographic trait profile predicting various demographic attributes associated with users during the viewing session – col. 30, lines 28-39.

As for claim 37, Alexander teaches wherein the probable demographic trait profile identifies attributes including probable age – (chronological age, activity age, col. 30, lines 28-39)

As for claim 38, Alexander teaches wherein the user interactions include at least a subset of channel changes, volume changes, record commands, EPG activation – col. 29, lines 35-55, col. 38, lines 30-49.

As for claim 40, Alexander teaches wherein said detecting an initiation includes detecting interactivity of the television viewing audience with the television as the initiation of the television viewing session (The Profile Program compiles the viewing duration and the times of day the user interacts with the television. Therefore, when it detects interactivity it determines the viewing session has begun – col. 29, lines 35-55).

As for claim 41, Alexander teaches detecting an initiation includes detecting a predetermined event as the initiation of the television viewing session (As discussed in claim 40, the predetermined event is when interactivity with the television is detected – col. 29, lines 35-55).

As for claim 59, Alexander teaches retrieving data associated with at least a subset of the user interactions (col. 29, lines 42-67), wherein said filtering includes filtering the user interactions into the at least one interaction category based at least in part on the associated data (The user interactions are filtered into many categories including changed to channel, volume changes, program theme, and program categories -col. 28, lines 30-55, col. 29, lines 35-55).



As for claim 60, Alexander teaches the retrieved data includes program genre (theme), and program categories (subject) associated with each channel selected during the session (col. 29, lines 42-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-14, 27, 46-58, 65, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Zigmond (6698020).

As for claim 8, Alexander fails to teach correlating the session profile to a plurality of pre-existing signature profiles.

In an analogous art, Zigmond teaches the session profile is compared to pre-existing profiles in order to identify the viewer – col. 9, lines 65 – col. 10, line 3.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Alexander, in order to identify the viewer correctly.

As for claim 9, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches correlating the session profile with the pre-existing

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signature profiles. While correlating, attributes (category profiles) are compared since a best estimate is calculated - col. 9, lines 65 – col. 10, line 3.

As for claim 10, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches said correlating at least a portion of the category profiles includes applying weighting factors to the category profiles. Zigmond inherently does this since a “best estimate” is made as to determining the identity of the viewer- col. 9, lines 65 – col. 10, line 3.

As for claim 11, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches said correlating is iteratively performed while the session profile is being generated. Whatever is currently being viewed is iteratively compared to whatever is stored at the statistics collection location to iteratively identify the current viewer - col. 9, line 65 – col. 10, line 3.

As for claim 12, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches wherein said generating a signature profile further includes determining if the session profile satisfies a correlation threshold (best estimate) with at least one of the pre-existing signature profiles - col. 9, line 65 – col. 10, line 3.

As for claim 13, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches said generating a signature profile further includes:

selecting the pre-existing signature profile having highest correlation value over the correlation threshold (Inherently uses highest correlation since a best estimate is made - col. 9, line 65 – col. 10, line 3); and

updating the selected pre-existing signature profile to include the session profile (viewer preferences are updated automatically as they are accumulated – col. 10, lines 40-47).

As for claim 14, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches said updating includes updating the selected pre-existing signature profile by adding the session profile on a time weighted basis (viewer preferences are updated automatically as they are accumulated – col. 10, lines 40-47).

As for claim 27, Alexander and Zigmond teach the claimed limitations. In particular, Alexander teaches wherein the pre-existing signature profiles are created and stored independently of any session profiles of the television household audience (col. 28, lines 13-21).

As for claim 46, Alexander fails to teach detecting a termination includes detecting that a different identity is interacting with the television as the termination of the television viewing session.

In an analogous art, Zigmond teaches wherein said detecting a termination includes detecting that a different identity is interacting with the television as the

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termination of the television viewing session. Zigmond teaches that a user is identified by the data stored in the statistics collection location and by the computer-executable instructions for deriving or making a best estimate of the identity of the viewer based on current and past viewing habits – col. 9, line 65 – col. 10, line 3.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Zigmond, for the advantage of providing an effective method of determining the identity of the viewer.

As for claim 47, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches wherein said detecting that a different identity is interacting with the television includes detecting when current interactions with the television deviate from the session profile generated to that point in the session. Zigmond teaches that a best estimate of the identity of the identity of the user is made based on current and past viewing habits. Therefore, the system is capable of determining that the current user is different from the previous user based on the current television viewing habits of the current user – col. 9, line 65 – col. 10, line 3.

As for claim 48, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches wherein said detecting when current interactions with the television deviate from the session profile generated to that point includes comparing at

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least a portion of the category profiles that make up the current interactions with corresponding portions of category profiles that make up the session profile generated to that point. Zigmond teaches that a best estimate of the identity of the user is made based on current and past viewing habits. Therefore, the system is capable of determining that the current user is different from the previous user based on the current television viewing habits of the current user – col. 9, line 65 – col. 10, line 3.

As for claim 49 Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches wherein said comparing at least a portion of the category profiles includes applying weighting factors to the category profiles. Zigmond teaches that a best estimate is made of the identity of the user. To make an estimate, weighting factors need to be applied – col. 9, line 65 – col. 10, line 3.

As for claim 50, Alexander fails to teach wherein said detecting a termination includes:

- iteratively correlating the session profile to a plurality of pre-existing signature profiles;

- matching the session profile to one of the plurality of pre-existing viewing signature profiles having the highest correlation if the correlation is above a predefined matching threshold;

- iteratively correlating the session profile to the matched signature profile;

terminating the viewing session when the session profile deviates beyond a pre-determined termination threshold from the matched signature profile.

In an analogous art, Zigmond teaches:

a) iteratively correlating the session profile to a plurality of pre-existing signature profiles; – (Whatever is currently being viewed is iteratively compared to whatever is stored at the statistics collection location to iteratively identify the current viewer - col. 9, line 65 – col. 10, line 3)

b) matching the session profile to one of the plurality of pre-existing viewing signature profiles having the highest correlation if the correlation is above a predefined matching threshold- (The current session is compared to the profiles which already exist in the statistics collection location to make a correlation and a best estimate to determine the current user. col. 9, line 65 – col. 10, line 3);

c) iteratively correlating the session profile to the matched signature profile (The session profile is iteratively correlated with the matched signature profile to determine if the current viewing session is over or not - col. 9, line 65 – col. 10, line 3);

d) terminating the viewing session when the session profile deviates beyond a pre-determined termination threshold from the matched signature profile –(When a new identity is detected based on a change in viewing habits from the previous user, the viewing session for the previous user is terminated - col. 9, line 65 – col. 10, line 3).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include steps a) – d), as taught by Zigmond, for the advantage of knowing who the current user is at each instant.

As for claim 51, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches wherein said iteratively correlating the session profile to a plurality of pre-existing signature profiles includes correlating at least a portion of the category profiles that make up the session profile with corresponding portions of category profiles that make up the plurality of pre-existing signature profiles. Zigmond teaches that the viewing session is iteratively correlated with the profiles of the users to know who the current user is at each instant - col. 9, line 65 – col. 10, line 3.

Claims 52, 54, and 58 contain the limitations of claim 49 and are analyzed as previously discussed with respect to that claim.

As for claim 53, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches wherein said iteratively correlating the session profile to the matched signature profile includes correlating at least a portion of the category profiles that make up the session profile with corresponding portions of category profiles that make up the matched signature profile. Zigmond teaches that the current viewing session is iteratively compared to the profile to which it is matched to ensure the identity of the user.

As for claim 55, Alexander and Zigmond teach the claimed limitations. In particular, Alexander teaches receiving specific content for display on the television based on the session profile – col. 30, lines 40-45. lines 59-67.

As for claim 56, Alexander fails to teach:  
correlating the session profile with advertisement profiles; and  
selecting an advertisement associated with highest correlation advertisement profile for display on the television;

In an analogous art, Zigmond teaches:

a) correlating the session profile with advertisement profiles – col. 12, line 60 – col. 13, line 5, col. 11, lines 30-49;

b) selecting an advertisement associated with highest correlation advertisement profile for display on the television – col. 12, line 60 – col. 13, line 5, col. 11, lines 30-49;

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include steps a) – b), as taught by Zigmond, for the advantage of displaying an advertisement which is likely to be of interest to the user.

As for claim 57, Alexander and Zigmond teach the claimed limitations. In particular, Zigmond teaches correlating at least a portion of the category profiles that make up the session profile with corresponding portions of advertisement profiles. Zigmond teaches that the programming descriptions of the television programs are



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correlated with the ad selection criteria to display an advertisement relevant to the television program to provide effective advertising – col. 12, line 60 – col. 13, line 5, col. 11, lines 30-49.

Claim 65 contains the limitations of claims 8, 12, and 13 and is analyzed as previously discussed with respect to those claims.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander and Zigmond as applied to claim 12 above, and further in view of Labeeb.

As for claim 22, Alexander and Zigmond fail to teach wherein said generating a signature profile further includes making the session profile a new signature profile when the session profile does not satisfy the correlation threshold with any of the preexisting signature profiles.

In an analogous art, Labeeb teaches to identify a user automatically, the error value between predicted and actual is computer for all viewers. Therefore, when there is a new user, there will be a high error value from which the system will determine that a new profile needs to be created for the new viewer – [0114].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander and Zigmond's invention to include the above mentioned limitation, as taught by Labeeb, for the advantage of identifying users correctly and generating a new profile when it is determined that there is a new viewer.

8. Claims 23-25, 30, 39, 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander as applied to claim 5 above, and further in view of Labeeb.

As for claim 23, Alexander fails to teach determining whether the session profile satisfies a minimum session threshold; and discarding the session profile when the viewing session profile does not satisfy the minimum session threshold.

In an analogous art, Labeeb teaches determining whether the session profile satisfies a minimum session threshold; and discarding the session profile when the viewing session profile does not satisfy the minimum session threshold – ([0214], line 13+).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Labeeb, for the advantage of deleting data that is not pertinent.

As for claim 24, Alexander and Labeeb disclose the claimed limitations. In particular, Labeeb teaches wherein the minimum session threshold is a minimum session duration ([0214], line 13+).

As for claim 25, Alexander fails to teach ranking the pre-existing signature profiles based on viewing attributes, when total number of viewing signature profiles stored exceeds a pre-determined maximum number; and discarding lowest ranked pre-existing signature profile.

In an analogous art, Labeeb teaches deleting entries if it is determined that there is no room to store additional entries – [0110] – [0111].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Labeeb, for the advantage of conserving memory.

As for claim 30, Alexander fails to teach the at least one category profile is a channel change frequency profile identifying various channel change frequency attributes for the viewing session.

In an analogous art, Labeeb teaches wherein the user profile identifies the rate of channel change for a viewing session– [0220]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Labeeb, in order to determine the level of interest in a particular channel.

As for claim 39, Alexander fails to teach wherein said detecting an initiation includes detecting a television power-on event as the initiation of the television viewing session.

In an analogous art, Labeeb teaches wherein said detecting an initiation includes detecting a television power-on event as the initiation of the television viewing session – (After detecting a power-on event, the system knows that a viewing session has now been initiated - [0378], [0459]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Labeeb, for the advantage of determining when a viewing session has begun.

As for claim 43, Alexander fails to teach wherein said detecting a termination includes detecting a television power-off event as the termination of the television viewing session.

In an analogous art, Labeeb teaches said detecting a termination includes detecting a television power-off event as the termination of the television viewing session – [0379].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Labeeb, in order to accurately determine when a session has ended.

As for claim 44, Alexander fails to teach wherein said detecting a termination includes detecting inactivity of the television viewing audience with the television as the termination of the television viewing session.

In an analogous art, Labeeb teaches wherein said detecting a termination includes detecting inactivity of the television viewing audience with the television as the termination of the television viewing session – (Referring to paragraph [0214], the end of a viewing session is when inactivity is detected).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned limitation, as taught by Labeeb, in order to provide an effective way of determining when a viewing session is over.

As for claim 45, Alexander fails to teach wherein said detecting a termination includes detecting a predetermined event as the termination of the television viewing session.

In an analogous art, Labeeb teaches wherein said detecting a termination includes detecting a predetermined event (inactivity) as the termination of the television viewing session – [0214].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include the above mentioned

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limitation, as taught by Labeeb, for the advantage of providing an effective way of determining when a viewing session is over.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander and Labeeb as applied to claim 25 above, and further in view of Bedard (5801747) and Shah-Nazaroff (6317881).

As for claim 26, Alexander and Labeeb fail to teach wherein the viewing attributes include at least a subset of total viewing duration and recency of signature profile modification.

In an analogous art, Bedard teaches wherein the viewing attributes includes recency of signature profile modification (col. 5, line 59 – col. 6, lines 8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander and Labeeb's invention to include wherein the viewing attributes includes recency of signature profile modification, as taught by Bedard, for the advantage of deleting profiles which belong to users that do not use the system in order to conserve memory.

However, Alexander, Labeeb and Bedard fail to teach that the viewing attribute includes total viewing duration.

In an analogous art, Shah-Nazaroff teaches wherein the viewing attribute includes viewing duration in order to provide useful information to service providers—col. 4, lines 5-13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Labeeb and Bedard's invention to include wherein the viewing attribute includes viewing duration, as taught by Shah-Nazaroff, for the advantage of providing useful information to service providers.

10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander as applied to claim 5 above, and further in view of Cottam.

As for claim 31, Alexander fails to teach wherein the at least one category profile is a holding factor profile identifying various holding factor attributes for the viewing session.

In an analogous art, Cottam teaches identifying the channel viewed and the approximate length of time the channel is viewed – col. 6, lines 54-58.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Labeeb's invention to include identifying the channel viewed and the approximate length of time the channel is viewed, as taught by Cottam, for the advantage of tracking how long a viewer viewed a program.

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11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander as applied to claim 41 above, and further in view of Kiewit.

As for claim 42, Alexander fails to teach wherein the predetermined event is a day or day-part transition.

In an analogous art, Kiewit teaches that the predetermined event is at a particular time in order for the system to perform a function at that particular time – col. 5, lines 59-65.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander's invention to include that the predetermined event is at a particular time, as taught by Kiewit, in order for the system to perform a function at that particular time.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander and Zigmond as applied to claim 13 above, and further in view of Chaney.

As for claim 15, Alexander and Zigmond fail to teach wherein said updating is done at a predetermined time interval.

In an analogous art, Chaney teaches wherein updating is done at a predetermined time interval in order to update the system as necessitated – col. 3, lines 60-67.



It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander and Zigmond's invention to include wherein updating is done at a predetermined time interval, as taught by Chaney, for the advantage of updating the system according to a set time.

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, Zigmond, and Chaney as applied to claim 15 above, and further in view of Kiewit.

As for claim 16, Alexander, Zigmond, and Chaney fail to teach the predetermined time interval is an end of day part.

In an analogous art, Kiewit teaches that the predetermined event is at a particular time in order for the system to perform a function at that particular time – col. 5, lines 59-65.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander, Zigmond, and Chaney's invention to include that the predetermined event is at a particular time, as taught by Kiewit, in order for the system to perform a function at that particular time.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander and Zigmond as applied to claim 13 above, and further in view of Labeeb.

As for claim 17, Alexander and Zigmond fail to teach said updating is done once the viewing session has been terminated.

In an analogous art, Labeeb discloses wherein said updating is done once the viewing session has been terminated (After the viewing session is terminated, the system tries to determine who the viewer was and then updates the viewer profile – [0114], line 8+).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Alexander and Zigmond's invention to include the above mentioned limitation, as taught by Labeeb, in order to correctly determine who the user is after the data has been collected.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
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